IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

ROBERT THEODORE BARDEAU,	)	
	)	
Plaintiff,	)	Case No. 7:21CV00115
	)	
v.	)	**OPINION**
	)	
OFFICER N. E. PICKREL, ET AL.,	)	By: James P. Jones
	)	United States District Judge
Defendants.	)	
	)	

Robert Theodore Bardeau, Pro Se Plaintiff.

The plaintiff, Robert Theodore Bardeau, proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights. The court's initial Order in the case, ECF No. 3, notified Bardeau of his responsibility to keep the court apprised of his current mailing address. The Order warned him that failure to comply with this requirement would result in dismissal of the action without prejudice. Clearly, the court must have a viable address by which to communicate reliably with Bardeau about this case.

On June 5, 2020, the court mailed Bardeau a copy of an Order, ECF No. 5, requiring him to execute and return his Consent to Fee form, agreeing to pay the filing fee for this case. The court's mailing was returned as undeliverable to Bardeau at the address he had provided. The court remailed a copy of the Order to Bardeau

in June 2020, and on August 3, 2021, that mailing, too, was returned to the court as undeliverable.   The returned envelope indicated that no forwarding address was available.

Based on Bardeau's failure to comply with the court's Orders regarding the need to update his mailing address, the court will dismiss the action without prejudice for failure to prosecute. *See Ballard v. Carlson*, 882 F.2d 93, 96 (4th Cir. 1989) (stating pro se litigants are subject to time requirements and respect for court orders and dismissal is an appropriate sanction for non-compliance); *Donnelly v. Johns-Manville Sales Corp.*, 677 F.2d 339, 340-41 (3d Cir. 1982) (recognizing a district court may sua sponte dismiss an action pursuant to Fed. R. Civ. P. 41(b)).

An appropriate Order will issue herewith.

DATED: August 9, 2021

/s/ JAMES P. JONES
United States District Judge